IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

Writ Petition No. 7518 of 2004

Bhaga M Chaugule and ors ..Petitioners
vs
The State of Mah and ors...Respondents
Mr.V.A Gangal with Shailesh Deshmukh for petrs
Mr. P I Khemani AGP for State
Ms Lata S Desai for respondent no 3

CORAM: A.P.SHAH & S.C.DHARMADHIKARI JJ.
Dated l5.l0.2004

P C:

Rule.

2. The learned counsel for the respondents waive service. By consent, rule is made returnable forthwith.

3. By this petition under Article 226 of the Constitution the petitioners are seeking to quash and set side the order of stay passed by the respondent no.3 The Bombay Iron and Steel Labour Board (for short "Board") and to direct the Board to allot work to the petitioners in Pool/Toli No l9l as per the letter dated l6.4.2004. The Toli No.l9l originally comprised of 38 mathadi workers and was allotted M/s Tata S.S.L Ltd,Tarapore. Over the years the number of mathadi workers dwindled on

account of death/resignation of the mathadi workers. At present there are 26 workers in the said Toli. The average earning of each mathadi worker for the period from April 2003 to March 2204 (who worked for the entire month) was in the region of Rs.22,000 , approximately. As per the policy followed by the Board, a mathadi worker who resigns can nominate his son, brother, brother's son or son-in-law to take his place in the Toli. Similarly in the case of death of a mathadi worker the above mentioned categories are eligible to be registered and inducted in the Toli,in place of and stead of the deceased mathadi worker.

4. It appears that the present petitioners who claim to be the near relations of the mathadi workers applied to the Board seeking registration as mathadi workers.The lst petitioner is the brother of a mathadi worker whereas the petitioner nos.2 to 4 are sons of mathadi workers. The petitioner nos. 5 to 8 represented themselves to be sons in laws of mathadi workers. All the applications were accepted by the Board and the petitioners were registered on l6.4.2004.

5. It appears that objection was taken to the enrollment of the petitioners by the intervener respondent no. 5 union. The allegation of the Union was that the petitioners had obtained registration by submitting false and fabricated documents. The respondent no. 5 contended that some of the petitioners do not satisfy the criteria laid down by the Board and they were neither sons, brothers, nephews nor sons in laws. The respondent no. 5 has also complained that Toli No. l9l does not have enough work and it was consulted prior to granting registration to the petitioners and induction of petitioners in the Toli would lead to reduction of their wages. The Board decided to hold an inquiry into the allegatinos made by the Union and pending the inquiry the registration of the petitioners was stayed. It appears that the petitioners made a representation to the Board to which there was no response and, therefore, petitioners approached the State Government. The Labour Minister of State vide order dated 30.6.2004 directed the Board to allot work to the petitioners. However, despite the direction by the Labour Minister, the Board failed to provide work to the petitioners and, therefore, the petitioners

have approached this court.

6. We have heard the parties including the intervener union. We have also perused the affidavits filed on behalf of the Board and the intervener. At the outset,it is necessary to state that the Board has made a fresh scrutiny of the applications and it was found that the petitioner nos. 5 to 8 had falsely represented themselves to be sons in law of the resigned mathadi workers and are therefore not eligible as per the criteria. Mr.Gangal, learned counsel for the petitioners fairly stated that he does not want to press the petition for petitioner nos. 5 to 8. In so far as petitioner nos. l to 4 are concerned, there is no dispute that they are near relations of the ex-mathadi workers and their case is covered by the policy of the Board. It is also seen from the affidavit of the Board that there is sufficient work available for Toli l9l and considering the total earning of the said Toli we do not find any illegality in the decision of the Board to allot petitioners to Toli no l9l. Ms Desai stated that the Board will issue necessary orders to assign petitioner nos. l to 4 to Toli no.l9l and allot

work to them. In view of the statement made by Ms Desai nothing survives in this petition. Petition is accordingly disposed of.